

**BARBERING & COSMETOLOGY EXAMINING BOARD  
MINUTES  
MADISON, WISCONSIN  
FEBRUARY 7, 2000**

**PRESENT:** Bruce Bennett, Barbara Flaherty, Karen Kraus, Leon Lauer, Marvile Martin, Lorraine Norem, Danny Trotter, and Denise Svelty.

**STAFF PRESENT:** Alfred Hall, Jr., John Schweitzer, and Jan Neitzel; Secretary Cummings, Darwin Tichenor, and Members of Division of Enforcement staff were present for portions of the meeting.

**GUESTS:** Representative Bonnie Ladwig  
Scott Dicks-Cap Gemini  
Numerous Guests

**CALL TO ORDER**

The meeting was called to order at 9:45 a.m. by Barb Flaherty, Chair, upon confirmation that the public notice was timely given. A quorum of 7 members was present.

**AGENDA**

The following additions were made to the agenda: Under 13a, Representative Ladwig will be present. Under 7a, Scott Dicks will be present.

**MOTION:** Danny Trotter moved, seconded by Marvile Martin, to approve the agenda as amended. Motion carried unanimously.

**MINUTES (12/6/99)**

**MOTION:** Leon Lauer moved, seconded by Marvile Martin, to approve the minutes as written. Motion carried unanimously.

**ADMINISTRATIVE REPORT**

**Secretary's Report**

**Advisory Committees Update**

- Scope of practice for manicurists, aestheticians, and electrologists

The Board received a copy of the December 8, 1999, letter from Barb Flaherty relating to an advisory committee. Noted.

The Board received a copy of the December 10, 1999, letter from Secretary Cummings relating to the Advisory Committee. Noted.

Secretary Cummings reported the Advisory Committee will meet for the first time on March 13, 2000, at 10:00 a.m.

Secretary Cummings introduced Representative Bonnie Ladwig who spoke on the subject of employing unlicensed people to perform certain duties in salons.

John Schweitzer, Board Legal Counsel, reported the Advisory Committee will discuss the subject of unlicensed employees participating in specialty areas of the Barber/Cosmetology profession.

Representative Ladwig, the Board, and public members agreed on the importance of some training in the specialty areas before performing work.

A public member reported California has used unlicensed personnel to perform certain job duties in specialty areas and that the National Cosmetology Association (NCA) has an article reporting on the efficacy of this.

A public member expressed the profession's fear of people abusing and overstepping the boundaries of working in specialty areas.

John Schweitzer recommended adding a discussion of the sub-specialties to the advisory committee agenda.

**MOTION:** Bruce Bennett moved to include barber/cosmetology practitioners license and the scope of practice be added to the study. Motion died due to lack of a second.

Mr. Hall reported the scope of practice committee has been formed and will meet monthly for 6-8 months. The goals of the Committee are to identify minimum education requirements in the different areas of the profession and to discuss concerns related to the profession.

- Identifying pass rates for practical examinations

Alfred Hall reported that Darwin Tichenor has formed a committee that is in the process of reviewing the questions of the practical exam.

- Licensing of Instructors

Nothing to report.

- Role of A Person on the Governing Body of a Regulatory Entity

The Board received a copy of a brochure, entitled Role of A Person On The Governing Body Of A Regulatory Entity.” Noted.

### **Bureau Director's Report**

#### **January 2000 Roster**

The Board received a copy of the January 2000 roster. Noted.

#### **Regulatory Digest Draft March 2000**

Alfred Hall reported the March 2000 Digest will include articles relating to the Division of Enforcement disciplinary grid, names of the individuals on the advisory committees, discipline the Board has acted on since the last Digest, and issues the Board will have as future agenda items.

#### **To-Pass Folder**

The To-Pass Folder was circulated and duly noted.

## **LEGISLATIVE UPDATE**

### **Status of LRB 0803/1-Relating to Education Requirements for Barber, Cosmetologist, Barber Manager, Cosmetologist Manager, Aesthetician, Electrologist and Manicurist Licenses**

Alfred Hall reported LRB 0803/1 has been drafted.

The Board discussed the board contacts for the Legislature and agreed Bruce Bennett or Barb Flaherty for barber/cosmetology, Denise Svelty for electrology, and Karen Krause for schools.

Bruce Bennett expressed his concerns for the licensing of students who are training in barber/cosmetology and who have felony convictions. Mr. Bennett recommended bringing these cases to the Board before the student begins training for pre-licensing approval.

### **Status of LRB 3269/2-Relating to Eligibility Requirement for Licenses Granted by the Barber/Cosmetology Exam Board and Disciplinary Action Taken by the Board**

The Board will discuss eligibility requirements for licenses granted by the Board and disciplinary action taken by the Board at the strategic planning meeting.

### **Discussion of Repealing Manager and Establishment Licenses**

The Board received a copy of the January 17, 2000, letter from Leon Lauer relating to elimination of the manager's license and the establishment license.

## **PROPOSED ADMINISTRATIVE RULES**

### **Relating To Theory Hours Conducted Outside The Classroom**

Theory hours conducted outside of the classroom will be discussed at the March 20, 2000, public hearing.

## **BOARD MEMBER ACTIVITY**

### **Election of Officers**

**MOTION:** Leon Lauer moved, seconded by Denise Svelty, to elect Barb Flaherty as chair. Motion carried unanimously.

**MOTION:** Marvile Martin moved, seconded by Denise Svelty, to elect Marvile Martin as Vice-Chair. Motion carried unanimously.

**MOTION:** Leon Lauer moved, seconded by Marvile Martin, to elect Lorraine Norem as Secretary. Motion carried unanimously.

### **Strategic Plan Follow-Up, Planning For The Future**

Scott Dicks, Cap Gemini, referenced the Cap Gemini report relating to the Barber and Cosmetology Board and recommended the Board prioritize items they plan to discuss as future agenda items by holding a strategic planning meeting on March 20, 2000.

## **PRACTICE ISSUES**

### **Facial Peels**

Facial peels will be discussed by the advisory committee and will be defined in the scope of practice.

### Should Their Application Be Restricted As A Cosmetology And/Or Aesthetics Practice?

Application of facial peels will be discussed by the advisory committee.

### Do Barber and Cosmetologists and Aestheticians Receive Instruction?

Instruction on application of facial peels will be discussed by the advisory committee.

### What Do We Know About the Product?

Information relating to products used for facial peels will be discussed by the advisory committee.

### Who Draws Between The Over The Counter and Non Professional Use?

Non-professional/professional use of facial peel products will be discussed by the advisory committee.

### Professional Cosmetology/Aesthetics Use and Medical Use

Professional cosmetology/aesthetics use and medical use of facial peels will be discussed by the advisory committee.

### **Use of Spray-On Disinfectant for Disinfecting Contact Equipment**

The Board received a copy of the advertisement and the material safety data sheet for Clippicide spray. Noted.

### **Discussion Of Laser Hair Removal**

Laser hair removal will be discussed by the advisory committee.

### **Establishment Support Personnel- Shampooers**

Establishment support personnel will be discussed by the advisory committee.

### **Reusing Probes for Electrolysis**

Denise Svetly explained her letter of January 6, 2000, relating to the re-use of electrology probes. Ms. Svetly reported that probes may be re-used after sterilization and anyone who has been treated with a re-used probe does need to be informed of this because a person cannot donate blood for 1 year after treatment with a re-used probe.

Denise Svetly will write an article for the Regulatory Digest relating to re-use of probes for electrolysis.

The advisory committee will discuss the re-use of probes.

## **APPRENTICESHIP PROGRAM**

### **Bureau Of Apprenticeship Standards**

The Board will discuss apprenticeship standards at the March 20, 2000, meeting.

## **EXAMINATION ISSUES**

### **Results of Practitioner Examination Review**

Darwin Tichenor, Exam Specialist, reported that a committee of 8 people began evaluation of the practitioner exams January 31, 2000. It is likely that a full task analysis will be done for the written and practical examinations. Mr. Tichenor reported the MiLady has issued a new edition of their standard text, and that examination questions will change as necessary to reflect changes in this new edition.

Karen Kraus asked the Department to note in the application for the exam which Milady exam will be used.

Alfred Hall stated the Regulatory Digest will have an article related to the change in the MiLady exam.

### **Examination Review Committees For Electrologist, Manicuring, Aesthetician And Instructor Update**

Darwin Tichenor will set up a committee to review the examinations for electrology, manicuring, and aesthetician.

The instructor examination will be discussed more at the March 20, 2000, board meeting.

### **Reference Guide For Auditing A Credentialing Exam Program**

The Board received a copy of the Reference Guide for Auditing A Credentialing Examination Program, by Barbara Showers, Ph. D.

## **DIVISION OF ENFORCEMENT**

Nothing to report.

## **LEGAL COUNSEL REVIEW OF PHONE INQUIRIES**

Due to the many calls John Schweitzer, Board Legal Counsel, has received relating to mobile establishments, more information will be in the next Regulatory Digest

John Schweitzer stated there could be tax consequences to booth renters involving the relationship between the manager, the employee, and supervision.

## **MISCELLANEOUS CORRESPONDENCE/INFORMATION**

### **Reciprocity with Iowa Instructors License**

The Board received a copy of the January 17, 2000, letter from Heather M. Hurst relating to reciprocity. Noted.

Bruce Bennett recommended a review of reciprocity regulations for all areas of the barber/cosmetology profession.

### **VITAE and references skin care professional**

The Board received a copy of the January 14, 2000, letter from Susanne S. Warfield relating to chemical peels and microdermabrasion machines.

## NEW BUSINESS

None.

## RECESS TO CLOSED SESSION

**MOTION:** Leon Lauer moved, seconded by Lorraine Norem, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Board or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, monitoring issues, deliberation on stipulations that may be signed after printing of the agenda, deliberation on proposed disciplinary actions that may be signed after printing of agenda, pending applications, apprentice requests for transfer, requests for appeal of denial, hearings on denied applications, and examination issues. Motion carried by a roll call vote: Bruce Bennett-yes; Karen Kraus-yes; Leon Lauer-yes; Marvile Martin-yes; Lorraine Norem-yes; Denise Svelty-yes; Danny Trotter-yes; Barbara Flaherty-yes;

Open Session recessed at 11:53 a.m.

## CLOSED SESSION

The Board deliberated on a monitoring report, case closings, review of request for change in scoring, review of challenge to practitioner examination, request to discuss a proposed stipulation, and proposed disciplinary actions.

## ADJOURN CLOSED SESSION

**MOTION:** Danny Trotter moved, seconded by Marvile Martin, to reconvene in Open Session at 1:15 p.m. Motion carried unanimously.

## VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

### CASE CLOSINGS

**MOTION:** Leon Lauer moved, seconded by Danny Trotter, to close the following cases presented by the Division of Enforcement. Motion carried unanimously.

98 BAC 086	Look N Good Beauty Salon	No violation
98 BAC 086	Kelly J Andrew	No violation
99 BAC 049	Creative Tees And Nail Salon	Insufficient evidence
99 BAC 049	Carolyn Chambers	Insufficient evidence
99 BAC 049	Cynthia Kelly	Insufficient evidence
99 BAC 080	Total Image	P2
99 BAC 080	Aristides M Farrulla	P2
99 BAC 092	Ebony II Total Look Salon	P2
99 BAC 092	Maddie Turner	P2
99 BAC 092	Patrick Zollicoffer	P2
99 BAC 066	Rita Pautsch	No violation
98 BAC 157	Mary Swanson	Insufficient evidence
99 BAC 047	Amy Rolson	P2
99 BAC 012	Cuong Kevin Pham	P5
99 BAC 012	Top Nails	P5

00 BAC 010 Betty L. Williams  
00 BAC 010 Just Hair and Nails

P5  
P5

### **APPRENTICESHIP STIPULATION**

#### **Anthony Poorman (Milwaukee, WI)**

**MOTION:** Danny Trotter moved, seconded by Marvile Martin, to have Leon Lauer act as liaison for consultation on Anthony Poorman and other similar apprenticeship cases. Motion carried unanimously.

### **MONITORING REPORT**

#### **Eldon Page**

No action was needed.

### **APPLICATION REVIEW**

#### **Tiffany Kohl**

**MOTION:** Leon Lauer moved, seconded by Danny Trotter, to issue a manicurist license to Tiffany Kohl. Motion carried unanimously. Lorraine Norem voted no.

#### **Sunshine Schmidt**

**MOTION:** Leon Lauer moved, seconded by Denise Svelty, to grant Sunshine Schmidt permission to take the manicurist examination. Motion carried unanimously.

### **DISCIPLINARY ACTIONS**

#### **Orquincy Hamilton**

**MOTION:** Danny Trotter moved, seconded by Marvile Martin to deny the application for an establishment license and to accept the proposed decision of the Administrative Law Judge for Orquincy Hamilton. Motion carried unanimously.

**MOTION:** Karen Kraus moved, seconded by Denise Svelty, to request the Division of Enforcement to open a case and investigate ownership of the establishment where Orquincy Hamilton is working, and to pursue possible disciplinary action against his practitioner's license. Motion carried unanimously.

### **REVIEW OF CANDIDATE REQUEST FOR CHANGE OF SCORING**

#### **Erin Weilgus**

**MOTION:** Karen Kraus moved, seconded by Marvile Martin, to grant a barber/cosmetology license to Erin Weilgus, based on the findings of the office of exams. Motion carried unanimously.

Bruce Bennett left at this time.

**Practitioner Examination Practical**

**MOTION:** Leon Lauer moved, seconded by Lorraine Norem, to deny a change in grades for candidate 002218. Motion carried unanimously.

**ADJOURNMENT**

By consensus, the Board agreed to adjourn the meeting at 1:28 p.m.